

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1836 OF 2017
IN
FIRST APPEAL NO. 552 OF 2017**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Anuj Jaiswal i/b Little & Co. for the Applicant. Aparna Kalathil with Sayli Apte and P. Naik for Respondent.

**CORAM: K.K.TATED, J.
DATED : OCTOBER 1, 2019**

P.C.

- 1 Heard Learned Counsel for the parties.

2. By this Civil Application, the Applicant/Original Defendant is seeking stay of the operation and implementation of the Judgment and decree dated 10/01/2017 passed by the 8th Joint Civil Judge, Senior Division, Pune in Special Civil Suit No. 174/2008.

3. The Learned Counsel for the Applicant submits that as per order dated 11/07/2017 passed by this Court the Applicant has already deposited the entire decretal

amount with interest in the Registry of this Court. The statement is accepted. He submits that pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned Judgment and decree passed by the Trial Court.

4. The Learned Counsel for the Respondent/Original Plaintiff submits that the Respondent has preferred Civil Application No. 2327/2019 for withdrawal of the amount and that application to be heard on merits.

5. Considering the submission made by the Learned Counsel for the Applicant and as per earlier order dated 11/07/2017 the Applicant has deposited the entire decretal amount in the Registry of this Court, the following order is passed:

a. Civil Application is allowed in terms of prayer clause (a) which reads thus:

“a. Pending the hearing and final disposal of the above First Appeal, the operation and implementation of the order dated 10th January 2017 passed by the 8th Joint Civil Judge, Senior Division at Pune being Special Civil Suit No. 174/2008 being stayed;”

b. Civil Application No. 2327/2019

preferred by the Respondent/Original Plaintiff to be heard on its own merits.

c. The Registry of this Court is directed to invest the entire amount in a fixed deposit of any Nationalized Bank, initially for a period of one year which shall be renewed from time to time till further orders.

d. Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)